



LAW OFFICES
GALASSO & ASSOCIATES, LP

P.O. BOX 26503
AUSTIN, TEXAS 78755-0503
Telephone 512-306-8533
Facsimile 512-306-8559

Of Counsel:
C.S. Walton & Associates, P.C.

October 17, 2006

John C. Fleming
Meridian Asset Management, Inc.
2137 Hilton Head
Round Rock, TX 78664

Re: US Patent Application No. 09/965,338
Inventor(s): John C. Fleming and Tom B. Mixon
Entitled: Method, Apparatus And Data Processor Program Product Capable Of
Enabling Management Of Athleticism Development Program Data
Filing Date: September 27, 2001

Dear John:

We have finally received an Office Action from the United States Patent Office for the above referenced patent application - US09/965338. A response to this Office Action is due no later than November 14, 2006. A copy is enclosed for your review.

The Patent Office has determined that this application contains claims directed to the following patentably distinct species: 1) maintaining subscriber performance data and facilitation of report for a TRAINER and 2) maintaining subscriber performance data and facilitating report for TRAINEE. The species are independent or distinct because although related in design of system, the operation and effect are not connected. TRAINER rankings and report is prepared differently than TRAINEE. You will be required to elect a single disclosed species for this matter.

Please note that Simon, Galasso & Frantz PLC no longer practices intellectual property and if you want to file a response to this office action on or before November 14, 2006 a separate written engagement will need to be entered into with Galasso & Associates L.P. which specializes in intellectual property matters. The estimated cost to respond to the office action is about \$1500 which would be required in G&A's engagement prior to commencing any further work.

Should you have any questions, please feel free to contact our office.

Sincerely,
GALASSO & ASSOCIATES, LP

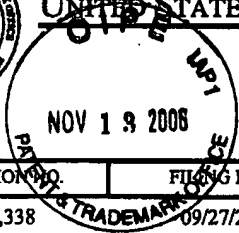
Raymond M. Galasso key run
Raymond M. Galasso for Raymond M. Galasso, PC

RMG/mr
Encl.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/965,338

09/27/2001

John C. Fleming

MAM.0100020

3721

27412

7590

08/14/2006

SIMON, GALASSO & FRANTZ PLC
P.O. BOX 26503
AUSTIN, TX 78755-0503

EXAMINER

BROOKS, MATTHEW L

ART UNIT

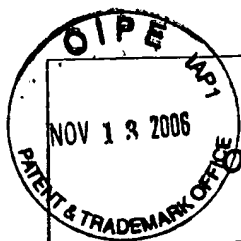
PAPER NUMBER

3629

DOCKETED	DATE MAILED: 08/14/2006
Date: 10/17/06	
By: [Signature]	

SP. 14

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/965,338

Applicant(s)

FLEMING ET AL.

Examiner

Matthew L. Brooks

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-112 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species: 1) Maintaining subscriber performance data and facilitation of report for a TRAINER and 2) Maintaining subscriber performance data and facilitating report for TRAINEE. The species are independent or distinct because although related in design of system the operation and effect are not connected. TRAINER rankings and report is prepared differently than TRAINEE.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1, 2, and 7 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

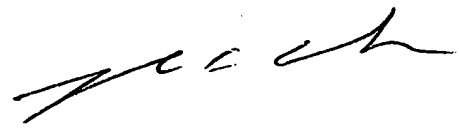
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB
8/04/06



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600